

REMARKS

This amendment is responsive to the Office Action dated October 1, 2008. Applicants thank Examiner O'Hern for the analysis contained in the Office Action and for withdrawing the rejections of record in the previous Office Action. With entry of the present amendment, applicants submit that the present application is in condition for allowance. Reconsideration of the claims and allowance of the application is requested.

Claim Rejection Under 35 U.S.C. § 112

The Examiner objected to Claims 1-10 under 35 U.S.C. § 112 as being indefinite based on the phrase "not less than ten gauge." Applicants see the Examiner's concern that the language may be confusing as to whether the gauge is smaller or the size of wire is smaller. Applicants have amended the language of Claim 1 to make it clear that the diameter of the wire is not smaller than the diameter of ten gauge wire. This is consistent with the description, where, for example, in Examples #1 and #3 on pages 3 and 4, six gauge wire was used, as well as Claims 8 and 9 which refer to three gauge and six gauge wire, respectively. Thus, the diameter of gauge eighteen wire is *less than* the diameter of gauge ten wire, and the diameter of gauge three and gauge six wire is *greater than* the diameter of gauge ten wire. Applicants submit that independent Claim 1 as well as dependent Claims 2-10 meet the requirements of Section 112.

Claim Rejection Under 35 U.S.C. § 102

Claims 1-2, 4, and 6 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kent (U.S. Patent No. 5,924,694). Applicants respectfully traverse this rejection.

The Examiner issued this objection based on the interpretation that gauge eighteen wire is greater than gauge ten wire. As noted above, Claim 1 has been amended to make it clear that the diameter of the reinforcing wire is not smaller than the diameter of gauge ten wire. In contrast, the diameter of gauge eighteen wire is smaller than the diameter of gauge ten wire. Applicants therefore submit that Claim 1, and therefore Claims 2, 4, and 6, are not anticipated by Kent. In addition, the arguments under the following heading apply.

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Claim Rejection Under 35 U.S.C. § 103

Claims 1-10 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kent, with evidence by Rue (U.S. Patent No. 6,048,129). Applicants respectfully traverse this rejection.

Claim 1 refers to a rubber access mat that has reinforcing wire with a diameter that is not smaller than the diameter of ten gauge wire. Kent teaches using gauge eighteen wire. Applicants submit that it would not be obvious to use reinforcing wire with a gauge having a diameter that is not smaller than ten gauge wire with the teachings of Kent. Applicants note that gauge ten wire is approximately 2.5 times larger than gauge eighteen wire and has a cross-sectional area that is over six times larger, with a corresponding increase in strength. The difference is not insignificant, and wires of these sizes are generally used for different purposes.

Kent refers to ballistic target material with a steel wire screen that is flexible enough to be “bent, folded, and manipulated into new shapes” while strong enough to resist “returning elastically to the original shape.” Eighteen gauge wire is given as a suitable example. Referring to Col. 3, lines 1-11, of Kent, the steel wire screen is strong enough to be plastically deformable against elastic forces while still “formable in the same manner as a twist tie or Gumby® toy.”

The purpose of an access mat is wholly different and requires different materials and structure than the rubber target described by Kent. Claimed in Claim 1 is a rigid access mat that has sufficient flexibility to conform to uneven terrain. As described on page 1, lines 28-30, of the present application, access mats are used to allow vehicles to pass, and are designed to support heavy loads in soft or unstable terrain. Thus, to be useful, the shape of a rubber access mat must be substantially unaffected as heavy equipment passes over it. Applicants submit that access mats are not bendable or foldable as is the target material taught by Kent. Applicants submit that an access mat would not serve its purpose if it were bendable or foldable, and in particular, if the access mat were bendable or foldable by hand.

The Examiner has stated that "Kent teaches the screen needs to be strong enough to give structural support and flexible enough to conform to the surface to be covered."

Respectfully, applicants submit that this must be read in terms of its intended application. The "strength" of the wire mesh refers simply to its ability to support the rubber skin material in a desired shape, without returning to the original shape. The "flexibility" of the wire mesh refers to its ability to be bent, folded, and otherwise manipulated by hand to achieve a desired shape. Indeed, in the Background section, Kent sets up his invention relative to a prior art device that uses a window screen mesh. By contrast, the rigidity referred to in Claim 1 of the present application must be sufficient to be useful as an access mat, namely, to support the weight of heavy equipment, and the flexibility refers to the ability to conform to uneven terrain. This is represented by the comparison in the present application between the claimed access mat and the prior art wooden access mats. Furthermore, there is a vast difference between flexibility that allows bending into the shape of an arm and flexibility that merely allows conforming to uneven terrain. The balance struck by Kent between flexibility and strength is thus wholly different from the balance claimed in Claim 1 between rigidity and flexibility.

Applicants therefore submit that the teachings of Kent are confined to materials and wire meshes that are bendable and foldable by hand, and there would be no motivation to embed gauge ten or heavier diameter wire in the target material of Kent to instead form an access mat.

Applicants further submit that the teachings of Rue do not overcome the deficiencies of disclosure of Kent discussed above. Therefore, Claims 1-10 are respectfully submitted as being patentable over the cited art.

CONCLUSION

In view of the foregoing amendments and arguments, it is respectfully submitted that the present application is in condition for allowance. Applicants therefore request the early issue of a Notice of Allowance.

Respectfully submitted,

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